IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5966 of 2005

Between:

Mohammed Bhai Lehry S/o. Badruddin Lehry
R/o. Burhani Rahaish, (Housing), Association, Sy.No. 110/1. Tirumalgiri Village, and Mandal, Hyderabad District.

... PETITIONER

AND

The Mandal Revenue Officer, Tirumalgiri Mandal, Hyderabad District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Mandamus declaring the action of the respondent in interfering with the petitioner's peaceful possession of premises bearing H.No.
30-25/4, Burhani Rahaish (Housing) Association in Sy.No. 110/1, Tirumalgiri Village and Mandal, Hyderabad District, without initiating any proceedings in law as illegal and arbitrary and consequently direct the respondent to refrain from doing so.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court at the stage of admission made the following:

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ORDER:

The petitioner claims to be the owner and possessor of the house bearing No.30-25/4, (Plot No.93 & 94), Burhani Rahaish (Housing) Association situated in Sy.No.110/1 of Tirumalgiri Village and Mandal, Hyderabad District, having purchased the same under a registered sale deed dated 29-03-1995.

The petitioner claims that the entire Sy.No.110/1 of the Tirumalgiri Village is a private patta land and that the same is bounded on the western side by the Boin Cheruvu Tank of Hasmathpet Village, Balanagar Mandal, Ranga Reddy District. It is alleged that the respondent under an erroneous impression that the land in question belongs to the Government and it is a tank bed land issued notices to some of the similarly situated persons in respect of the plots in their occupation. Challenging the said action they have filed W.P.No.20870 of 2004 in which this Court granted interim suspension of the notice impugned in the writ petition. The grievance of the petitioner is that so far as his land is concerned, no such notice has been issued, however, the officials have been taking steps highhandedly to demolish the structures existing on his land and they are also preventing the petitioner from proceeding with the construction. Hence, this writ petition.

Having heard the learned counsel for the petitioner, the learned Government Pleader for Revenue appearing for the respondent and keeping in view the assertions made by the petitioner that the house in question is situated in a private patta land, the writ petition is disposed of with a direction to the respondent not to interfere with the possession of the petitioner in respect of the house in question

without following due process of law.

The Writ Petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 23-03-2005

NOTE: Furnish C.C. in two days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1. The Mandal Revenue Officer, Tirumalgiri Mandal, Hyderabad District.

2. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)

3. Two C.D. copies.